REMARKS

This amendment is offered in response to the Office Action of August 26, 2004.

The Office Action rejected Claim 1 under 35 U.S.C. §112, second paragraph. In particular, the Office Action objected to the phrase "the type". It is respectfully submitted that this is an acceptable Jepson format. It is therefore respectfully submitted that this rejection is overcome.

The Office Action rejected Claims 1, 2 and 3 under 35 U.S.C. §103(a) as being obvious over the Ives reference (U.S. Patent No. 6,264,355).

The Ives reference relates to the use of a joystick in "audio, television, and film production studios". More specifically, the device of the Ives reference allows the operator to "pan across or 'move' the perceived physical location of sounds that are being recorded and/or monitored" (see col. 1, first paragraph). The device of the Ives reference "translat[es] physical movements of one or more panning joysticks ... into panning control signals corresponding to a physical position of the joystick" (col. 3, lines 28-31).

This is quite different from presently amended Claim 1 which recites "a trackball which can rotate with at least two degrees of freedom thereby controlling first and second variables; wherein said first variable is speed of an audio effect and is controlled by rotation of said trackball about a first axis and wherein said second variable is regeneration of an audio effect and is controlled by rotation of said trackball about a second axis."

It is therefore respectfully submitted that the rejection over the Ives reference is overcome.

Similarly, the Office Action rejected Claims 1-4 under 35 U.S.C. §103(a) as being obvious over the Applicant's allegedly admitted prior art in view of the DeWitt reference (U.S. Patent No. 5,212,733); rejected Claims 5 and 6 under 35 U.S.C. §103(a) as being obvious over

the Applicant's allegedly admitted prior art in view of the DeWitt reference and further in view of the Suzuki reference (U.S. Patent No. 5,060,272); and rejected Claims 7 and 8 under 35 U.S.C. §103(a) as being obvious over the Applicant's allegedly admitted prior art in view of the DeWitt reference and further in view of the Suzuki reference and the Sparkes reference (U.S. Patent No. 4,993,073).

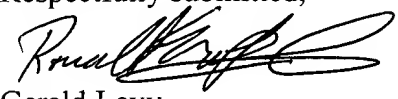
At the outset, the Applicant respectfully but strenuously traverses any assertion that the present invention is somehow made obvious, in whole or in part, by the statement "In particular, there are effects which are frequently changed simultaneously, such as regeneration of the effect and the speed of the effect being used" (present application, page 1, penultimate sentence). Any such use of this statement can only be justified by the wisdom of hindsight after review of the present disclosure, which is clearly improper.

With the removal of the alleged admission as prior art, and further in view of the above-quoted claim language neither being disclosed nor suggested by the remaining cited prior art, alone or in combination, all of the above rejections are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to

withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



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